

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FRANK TUFANO,

Plaintiff,

v.

AMOS MILLER, et al.,

Defendants.

CIVIL ACTION NO. 3:24-CV-01117

(MEHALCHICK, J.)

ORDER

Presently before the Court is a Report and Recommendation (“the Report”) issued by Magistrate Judge Martin C. Carlson recommending this action be dismissed pursuant to [Federal Rules of Civil Procedure Rule 41\(b\)](#) due to Plaintiff Frank Tufano’s (“Plaintiff”) failure to comply with court orders dated August 28, 2024. ([Doc. 11](#)). This action was initiated by Plaintiff, who is proceeding *pro se*, on July 8, 2024. ([Doc. 1](#)). Plaintiff filed the operative amended complaint alleging violations of [18 Pa. C.S. § 903](#) and [18 Pa. C.S. §4107](#), [10 Pa. Stat. Ann. § 162.15](#), and Pennsylvania civil conspiracy claims against Amos Miller, GiveSendGo LLC, Go Fund Me Inc., Fox New Network LLC., Off Grid with Doug and Stacy LLC., Riverside Homestead Life LLC., and Maple Leaf Media LLC. (Collectively “Defendants”). ([Doc. 5](#)). No objections to the Report have been filed as of the date of this Order. For the following reasons, and having reviewed the Report for clear error, the Report will be adopted and Plaintiff’s amended complaint **DISMISSED with prejudice**. ([Doc. 5](#))

“A district court may ‘designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition’ of certain matters pending before the court.” [Brown v. Astrue](#), 649 F.3d 193, 195 (3d Cir. 2011) (*quoting* 28 U.S.C. § 636(b)(1)(B)). Within fourteen

days of being served a report and recommendation, “any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1). When a party timely files objections, the district court is to conduct a de novo review of the challenged portions of the Magistrate Judge’s findings unless the objection is “not timely or not specific.” *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir.1984); 28 U.S.C. § 636(b)(1). The Court may then “accept, reject, or modify, in whole or in part, the findings and recommendations.” 28 U.S.C. § 636(b)(1). “Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper.” *Rahman v. Gartley*, No. CV 3:23-363, 2024 WL 555894, at *1 (M.D. Pa. Feb. 12, 2024) (citing *United v. Raddatz*, 447 U.S. 667, 676 (1980)). For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. Adv. Comm. Note Rule 72(b).

The Court agrees with the sound reasoning in Judge Carlson’s Report and finds no clear error on the face of the record. (Doc. 11). Therefore, **IT IS HEREBY ORDERED THAT** the Report of Judge Carlson (Doc. 11). is **ADOPTED IN ITS ENTIRETY** as the decision of the Court. Plaintiff’s amended complaint is **DISMISSED with prejudice**. (Doc. 5). The Clerk shall mark this matter **CLOSED**.

DATE: December 16, 2024

BY THE COURT:

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States District Judge